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REJECTION OVER A "PRIORITY"**Docket Number (Optional)
IMC0004-15CT

In re Application of: Trevino, Leo A. et al.

Application No.: 09/941,395

Filed: August 28, 2001

For: STABILIZED GAS EMULSION CONTAINING PHOSPHOLIPID COMPLEXES AND COMBINATION OF STABILIZATION.

The owner, IMCOR Pharmaceuticals, Inc., hereby disclaims, except as provided below, the benefit of the priority of the instant application over the instant application which would extend beyond the expiration date of the full statutory term of the prior patent, as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only against the grantee and the grantee's successors or assigns. This agreement runs with any patent granted on the instant application.

In making the above disclaimer, the owner does not disclaim the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer."

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has all claims canceled;

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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business (e.g., a corporation, partnership, etc.), the undersigned is:

I hereby declare that all statements made hereon in support of the application are believed to be true and that the statements made are punishable by law. The statements may jeopardize the application.

2. ☒ The undersigned is:

Leo A. Trevino

October 11, 2005

Date

732-815-0404

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.301(b) is:

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*Statement under 37 CFR 3.01(c) that this application is being filed in accordance with the provisions of the Patent and Trademark Act of 1980, Form PTO/SB/06 may be used.

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